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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,887	08/04/2003	Michael Francis X. Gigliotti JR.	132497	6533

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GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
PATENT DOCKET RM. BLDG. K1-4A59
NISKAYUNA, NY 12309

EXAMINER

ZIMMER, MARC S

ART UNIT	PAPER NUMBER
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1796

NOTIFICATION DATE	DELIVERY MODE
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11/20/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/633,887	Applicant(s) GIGLIOTTI ET AL.	
	Examiner Marc S. Zimmer	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5, 8, 13, 15, 19, 41-43 and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-5, 13, 15, 19 and 41 is/are rejected.
- 7) ☒ Claim(s) 8, 42, 43 and 45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Applicants have cancelled all of the claims relating to a polysiloxane-based aluminizing composition. Therefore, the Examiner will refrain from responding to their additional remarks against the Moravek rejection other than to say no statements were made that would have compelled the withdrawal of that rejection.

In the March 6, 2006 correspondence, the Examiner indicated as allowable those claims that were directed to aluminizing compositions comprising an epoxy resin and an Al/Si powder. Upon reviewing the Examiner's search strategy prior to issuing an allowance, it was discovered that perhaps some critical terms had been omitted that would have permitted the Examiner to focus on those embodiments wherein the aluminum powder was an aluminum-silicon alloy. Unfortunately, in a modified survey of the prior art, the Examiner located references that appear to represent a foundation for rejection of at least some of the remaining claims. The Examiner sincerely regrets that this matter had not been noticed earlier.

Applicant is reminded that the term "aluminizing, as in "aluminizing composition", is regarded merely as a reference of future intended use. See the December 16, 2005 correspondence where a more comprehensive analysis of this treatment is offered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is imprecise to say that the resin "comprises" bisphenol A. Rather the claim should state that either (i) the epoxy resin is a bisphenol A epoxy resin, or (ii) the epoxy resin is derived from bisphenol A.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4, 5, 15, 19, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida et al., U.S. patent # 6,362,434. Yoshida discloses the formulation of a magnetic paint that is impregnated into a glass cloth. A preferred embodiment of the magnetic paint is that outlined in Table 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5, 13, 15, 19, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 5-255517.

This document discloses a composition comprising each of the materials set out in the abstract with the notable exception that the amount of synthetic resin was supposed to have been reported as 15 to 25 wt.%. See paragraph 18 of the machine-generated translation. Of the synthetic resins mentioned as binders, one favored embodiment is an epoxy resin and curing agent (paragraphs 17, 34, and 36). Component B is an aluminum alloy of which Al-Si and Al-Si-Ni having a particle size smaller than 63 microns are exemplary according to paragraph 15.

The reference does not identify the geometry of the alloy particles but it is the Examiner's position that a spherical shape would be presumed unless otherwise specified. At the very least, the employment of spherical particles is obvious.

As for claim 13, the aluminum alloy powder is, in one embodiment, an aluminum-silicon-copper alloy having 83.5% aluminum content- see the abstract and paragraph 28. According to the broader disclosure, this component contributes 25-60% by weight of the overall composition hence it is clear that aluminum would make up less than 45% by weight of the total.

Concerning claim 8, the Examiner could not verify that the commercial epoxy resins mentioned by the reference were bisphenol A resins, though it is quite possible that they are. For this reason, claim 8 hasn't been rejected over the '517 document.

Allowable Subject Matter

Claims 8, 42, 43, and 45 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

There are other references teaching even additional compositions comprising at least an epoxy resin and a Al/Si alloy but they are not cited as a foundation for rejection herein because they don't render unpatentable any of those claims not already addressed by the aforementioned references, in particular claim 8. See, for instance, JP 2001-035973.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc S. Zimmer whose telephone number is 571-272-1096. The examiner can normally be reached on Monday-Friday 8:30-5:00.

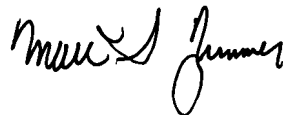
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 14, 2007



MARC S. ZIMMER
PRIMARY EXAMINER